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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,938	08/08/2006	Kenneth John Woronoff	60,469-115 PUS1; OT-5256	9734
7590 David J Gaskey Carlson Gaskey & Olds Suite 350 400 W Maple Road Birmingham, MI 48009			EXAMINER KRUER, STEFAN	
			ART UNIT 3654	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,938	<b>Applicant(s)</b> WORONOFF, KENNETH JOHN	
	<b>Examiner</b> Stefan Krueer	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18 - 30 and 32- 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18 - 30 and 32 - 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Disclosure***

The disclosure is objected to under 37 CFR 1.71, as being incomprehensible with respect to specific aspects of the disclosure. The following items remain unclear:

- With respect to the use of a hand-held drill in lieu of a drive motor (as incorporated in 38, Fig. 2, Page 3, L. 11), in that the two platforms, as understood, are to travel upwards along guide rails in a hoistway, the use of a drive motor with a control cord/wireless controller, though neither disclosed yet possibly used, to operate the drive motor intermittently to incrementally move the platforms along a vertical direction of the guide rails, wherein an operator of said drive motor can be positioned off of an upper one of said platforms is feasible (e.g., said operator positioned on a remote landing, upper platform (?), etc.); however, the use of a hand-held drill to drive gearing (as incorporated in 38, Fig. 2, Page 3, L. 11) in lieu of driving said gearing by a drive motor, is not understood, in view of the need for someone to be directly adjacent said gearing to driving engage said gearing with said hand-held drill.
- With respect to the use of a pressurized actuator in lieu of an (electrical) drive motor (Page 5, L. 21 – Page 6, L. 3, Fig. 5), as understood, said actuator pushes the upper one of two platform upwards and then, upon evacuation of said pressurized fluid, allows said upper of two platforms to fall until a first holding device (34) engages an associated rail to arrest further downward movement of said upper platform; however, further evacuation of said pressurized fluid, as understood from the embodiment as depicted, would not result in a lifting of a lower of said two platforms on which actuator is mounted, unless the actuator was of double-acting construction having two pressure chambers in which pressurized fluid can be introduced/evacuated such that a piston of said actuator is forcibly moved upwards and downwards.

The disclosure reviews a conceptual system, thereby enabling/requiring unnecessary interpretation as to a defined scope of the cooperative elements, their structure as well as their interaction.

Applicant is required to submit an amendment, which clarifies the disclosure so that the examiner may ensure a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show an arrangement of said primary embodiment utilizing a hand-held drill to forcibly drive a gearing as well as an arrangement to evacuate the pressurized actuator to upwardly move a lower of said two platforms as described in the specification and reviewed above. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

**Claims 25 – 26 and 30 - 31** objected to because in Lines 7 and 3, respectively, “desired” is preferably expressed as “upward”.

Appropriate corrections are required.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

***The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.***

**Claim 23** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As reviewed above with respect to the specification and the drawings, the pressurized actuator that enables lifting of a lower of two platforms upon evacuation of hydraulic fluid from said actuator is neither described nor depicted.

**Claims 18 – 21, 23 - 24, 30 - 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Meiner (DE 102 15 915A).

Re: **Claims 18, 30 and 23**, Meiner discloses an installation assembly for use with elevator systems, comprising:

- a first platform (2);
- a first holding device associated with the first platform (“Form- und Kraftschlusselementen”, at 5, Col. 1, L. 40), the first holding device having an operative position (... die automatische aus- und eingefahren werden...) to maintain a vertical position of the first platform relative to a guide rail(s) (5, comprising two guiding columns) by preventing movement of the first platform in a first direction and permitting movement of the platform from the maintained position in an opposite direction;

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- a second platform (4);
- a second holding device associated with the second platform (Col. 1, L. 40), the second holding device having an operative position to maintain a vertical position of the second platform relative to the guide rail by engaging a flat, vertical surface of the guide rail for preventing movement of the second platform in the first direction and permitting movement of the second platform from the maintained position in a direction opposite to the first direction (“Die Hubwagen arretieren sich in der Schienenwegkonstruktion (5) über Form- und Kraftschlusselemente, vorzugsweise Scherbolzen...” (Para. 0004), translated as “The lift cars arrest themselves in the (plural) railway structure (5) via positive- and power locking elements, preferably shear bolts...”, whereby “Kraftschlusselemente” can also be interpreted/understood as meaning traction elements, whereby Meiner states a preference for shear bolts that can be automatically extended and retracted into understood flat vertical surface(s) of the guide rails (5)); and
- a moving mechanism(1) that incrementally moves the platforms in the one direction, as well as with respect to Claim 30, said holding device associated with each of the platforms, the holding devices allowing movement of the platforms along the guide rails in the desired direction, and preventing movement of the platforms along the guide rails in a direction that is opposite to the desired direction, the holding devices engaging a vertical, flat surface of the guide rails when preventing movement of the platforms in the direction that is opposite to the desired direction

Re: **Claim 19**, Meiner discloses wherein the moving mechanism *cyclically* (i.e., at regular intervals) (Para. 0004) urges the first and second platforms toward and away from each other.

Re: **Claim 20**, Meiner discloses wherein the holding devices operate to allow only one of the first or second platforms to move at a time responsive to the urging of the moving mechanism (Para. 0004).

Re: **Claim 21**, Meiner discloses wherein the moving mechanism includes a linkage assembly (upper and lower pivot points and corresponding bearing surfaces) connected to the platforms for sequentially pushing the first platform away from the second platform in the one direction then pulling the second platform toward the first platform in the one direction.

Re: **Claim 23**, Meiner discloses wherein the moving mechanism comprises a pressurized actuator (Col. 1, L. 29).

Re: **Claim 24**, Meiner discloses wherein the first and second holding devices comprise elevator safety devices that are adapted to engage the guide rail to allow movement in the one direction and to prevent movement in the opposite direction (as the holding devices extend and bear against both the platforms and the rail(s) from which they extend).

**Claims 32 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Meiner in view of Yoo (5,307,904).

Meiner discloses his holding devices as preferably being shear bolts or other positive locking (fitting)/traction elements; however, though enabling a broad scope of traction/power transferring/positive locking elements, Meiner is silent with respect to his holding device being at least one of a roller or wedge as comprising an elevator safety device as known in the art.

Attention is directed to Yoo who teaches his elevator safety device (26, Fig. 1 - 2) that prevents travel in an undesired direction wherein his safety device comprises a wedge for engaging a surface of a guide rail, wherein his safety device disengages the rail once an amount of downward travel of his first platform (24) is achieved, for which said plate retraction can be achieved via separate "... mechanism involving solenoids or a spring-biased mechanism with appropriate linkages" (Col. 4, L. 1 – 6)

It would have been obvious to one of ordinary skill in the art to modify the reference of Meiner with the teaching of Yoo to provide a holding mechanism comprising an elevator safety device having at least a wedge for engaging the surface on a guide rail,

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in lieu of the mechanism using extending/retracting shear bolts, as an obvious alternative as proffered by Meiner.

Furthermore, with respect to the holding mechanism operating in a desired direction opposite that as intended/claimed, it has been held that a merely reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

**Claims 22, 25 - 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Meiner in view of Nakada et al (JP 03259887 A).

Re: **Claim 22**, Meiner is silent with respect to wherein the linkage assembly comprises a rotatable drive shaft.

Attention is directed to Nakada et al who teaches linkage assembly comprises a rotatable drive shaft (20, Fig. 4) having a first end connected to a mover (2 at depicted, not designated vertical element), a lever (arm of 2) connected to an opposite end of the drive shaft, and a connecting link (not designated vertical element) having a first end rotatably connected to the lever such that rotation of the drive shaft causes movement of the connecting link to push and pull his platforms (3, 1) away from and toward each other, respectively.

It would have been obvious to one of ordinary skill in the art to modify the reference of Meiner with the teaching of Nakada et al to utilize a scissors-lift in lieu of a double-acting hydraulic cylinder to afford greater precision in incremental lifting, lack of potential, residual force loading, a lack of hydraulic ancillaries, such as a tank, pump and related controls, and the obviate concerns for the replenishment of hydraulic fluid and potential condensation therein, in all for performance and lower operating costs.

Re: **Claims 25 - 29**, Meiner discloses the invention of Claims 18 – 21; however, Meiner is silent with respect to wherein the linkage assembly comprises a rotatable drive shaft.

As reviewed in **Claim 22**, attention is directed to Nakada et al who teaches linkage assembly (2, Fig. 4) comprises a rotatable drive shaft (20) having a first end



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connected to a mover (lower pivot block of 2 at depicted, not designated vertical element), a lever (arm of 2) connected to an opposite end of the drive shaft, and a connecting link (not designated vertical element) having a first end rotatably connected to the lever such that rotation of the drive shaft causes movement of the connecting link to push and pull his platforms (3, 1) away from and toward each other, respectively, such that rotary movement of the lever [member] causes generally linear movement of the linkage arm.

It would have been obvious to one of ordinary skill in the art to modify the reference of Meiner with the teaching of Nakada et al to utilize a scissors-lift in lieu of a double-acting hydraulic cylinder for greater precision in incremental lifting and lack of hydraulic ancillaries as well as concerns for the maintenance thereof, for performance and savings in operating costs.

**Claim 33** is rejected under 35 U.S.C. 103(a) as being unpatentable over Meiner in view of Nakada et al, as applied to Claim 25, and in further view of Yoo.

Meiner discloses his holding devices as preferably being shear bolts or other positive locking (fitting)/traction elements; however, though enabling a broad scope of traction/power transferring/positive locking elements; however,

Meiner and Nakada et al are silent with respect to a holding device being at least one of a roller or wedge as comprising an elevator safety device as known in the art.

Attention is directed to Yoo who teaches his elevator safety device (26, Fig. 1 - 2) that prevents undesired upward travel beyond a certain point wherein his safety device comprises a wedge for engaging a surface of a guide rail, wherein his safety device disengages the rail once an amount of downward travel of his first platform (24) is achieved, for which said plate retraction can be achieved via separate "... mechanism involving solenoids or a spring-biased mechanism with appropriate linkages" (Col. 4, L. 1 – 6)

It would have been obvious to one of ordinary skill in the art to modify the invention of Meiner and Nakada et al with the teaching of Yoo to provide a holding mechanism

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comprising an elevator safety device having at least a wedge for engaging the surface on a guide rail, in lieu of the mechanism using extending/retracting shear bolts, as an obvious alternative as proffered by Meiner.

Furthermore, with respect to the holding mechanism operating in a desired direction opposite that as intended/claimed, it has been held that a merely reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

### ***Response to Arguments***

Applicant's arguments filed 9 December 2009 considered but they are not persuasive.

The rejections of the previous office action were in response to the claim language. Applicant's arguments are based on the amended claim language applied to the prior art of record; consequently, this office action comprises a detailed response to Applicant's arguments.

With respect to the pressurized actuator, the Examiner can render an interpretation in order to give functionality to the scope of the invention; however, applicant is requested to provide further detail for enablement/demonstration of command of the invention.

Similarly, the use of a hand drill by an operator positioned off of the platform (?) in order to operate gearing that is to power actuators for raising the upper of two platforms, in view of the arrangement as disclosed and interpreted, requires further clarification

With respect to a holding device as newly claimed and the reference of Meiner, said holding device as claimed is anticipated by Meiner. Applicant's attempt to distinguish over the disclosure of Meiner through the recitation "... engaging a flat, vertical surface of the guide rail..." is not sufficiently discriminating in view of the terminology, description and drawings of Meiner as would have been obvious to one having ordinary skill in the art.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. St. Germain et al (5,746,290), Nakamura et al (4,830,146), Davis (4,333,549), Skaalen (4,276,958) and Schwörer (5,630,482) are cited for reference of a device for moving a platform along a guide rail wherein said platform has a holding device that repeatedly engages and releases said guide rail as said platform is intermittently pushed upwards; a device for moving a platform along guide rails wherein said device has a moving mechanism comprising a double-acting pressurized actuator; a holding device for a platform moving along a guide rail wherein said holding device is adapted to engage a guide rail and comprises a wedged aperture and with rotatable frictional member to prohibit movement of said platform in a downward direction; a holding device comprising dual pivotable members for repeatedly engaging a guiding surface upon subsequent upward movement, to prohibit movement of said holding device in a direction opposite to said upward movement; and a self-climbing device with at least one pressurized actuator and first- and second platforms and first- and second holding devices, each incorporating linkage arm(s) and a wedge for engaging a surface of a respective guide rail, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen, can be reached on 571.272.6952. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Stefan Kruer/

Examiner, Art Unit 3654

24 April 2010

/John Q. Nguyen/

Supervisory Patent Examiner, Art Unit 3654